



Press Release

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3/1/2012

FOR IMMEDIATE RELEASE

PRESS RELEASE #2012-02

Subject : **Statement on Court of Appeal Decision Regarding Shuttered Marijuana Stores**
Decision Does Not Impact Federal Closure of Lake Forest Marijuana Stores
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Lake Forest, CA - A California Court of Appeal's recent [ruling](#) on a May 2010 Orange County Superior Court Order closing illegal marijuana stores further solidifies the City's stance that there is no place for stores which flagrantly violate federal narcotics laws and city zoning regulations. In a decision regarding an appeal of a May 2010 Orange County Superior Court Order to close eleven marijuana stores operating illegally in Lake Forest, the California Court of Appeal, Fourth Appellate District remanded a preliminary order closing the now defunct marijuana stores to the Superior Court for a determination of whether the dispensaries were operated in conjunction with the cultivation of marijuana. The court of appeal found "no intent in [California's Medical Marijuana Program Act] (the "MMPA") to authorize dispensaries to operate independently from a cultivation site," but found the State MMPA left no room for city regulation of dispensaries linked to cultivation. Under this ruling, the trial court can apply city zoning prohibitions, except where a marijuana store grows all of its marijuana onsite. None of the Lake Forest dispensaries involved cultivation, so the city expects the ruling to have no effect on these closures.

The ruling of this California Court of Appeal decision does not apply to Federal drug prohibitions and enforcement actions that have demanded closure of all marijuana stores in Lake Forest, including the appellants'. In an October 2011 letter to the City of Lake Forest, United States Attorney Andre Birotte Jr. wrote, "Persons who are in the business of cultivating, selling, or distributing marijuana, and those who knowingly facilitate such activities, are in violation of the Controlled Substances Act regardless of state law." Further, notwithstanding this decision, the issue of whether city zoning authority is affected at all by the MMPA is currently before the California Supreme Court.

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